

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS IN
CONNECTION WITH THE APPROVAL OF AMENDMENT #2 TO THE
2020 LONG RANGE DEVELOPMENT PLAN -- CAMPUS SPACE AND
INFRASTRUCTURE CHAPTER, AND APPROVAL OF DESIGN, ELECTRICAL
SWITCHING STATION #6
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I. CONSIDERATION OF 2020 LRDp FEIR (1/05) AND ADDENDUM #8¹

Pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 *et seq.* (“CEQA”) and the State CEQA Guidelines, Title 14, California Code of Regulations, Sections 15000 *et seq.* (“CEQA Guidelines”), the Board of Regents of the University of California (the “University”), or its delegate (collectively referred to herein as the “University”), has considered the Final Environmental Impact Report prepared for the University of California, Berkeley’s (“UC Berkeley” or “Berkeley campus”) 2020 Long Range Development Plan (“LRDP”), State Clearinghouse Number 2003082131, which was certified by the University in January 2005, as amended by Addendum #5 thereto which analyzed Amendment #1 to the 2020 LRDP to address climate change and was approved by the University in July 2009 (collectively, the “2020 LRDP EIR”) and Addendum #8 thereto, dated April 2011, including all comments received on Addendum #8 and the University’s responses, for UC Berkeley’s Amendment #2 to the 2020 LRDP (“Amendment #2”), Campus Space and Infrastructure chapter and design approval of Electrical Switching Station #6 (“Addendum #8”). The University certifies that the 2020 LRDP FEIR and Addendum #8 have been completed in compliance with CEQA and the CEQA Guidelines. The University further certifies that the information contained in the 2020 LRDP FEIR and Addendum #8 reflects the independent judgment and analysis of the University.

The 2020 LRDP FEIR, including the information contained in Addendum #5 and Addendum #8 and all comments and responses thereto, contains the environmental analysis and information necessary to support approval of Amendment #2 to the 2020 LRDP and Electrical Switching Station #6 (collectively, the “Proposed Action”), as set forth in Section III, below.

II. FINDINGS

The following Findings are hereby adopted by the University as required by Public Resources Code Sections 21081, 21081.5, 21081.6, and 21166, and CEQA Guidelines Sections 15091, 15092, 15162, 15164, 15168, 15303, and 15304 in conjunction with the approval of the proposed action, which is set forth in Section III, below.

¹ Earlier addenda to the UC Berkeley 2020 LRDP EIR were completed for the Helios Energy Research Facility and Related Improvements (Addendum #7, January 2010); Anna Head West Student Housing Project (Addendum #6, November 2009); Amendments to the Sustainable Campus chapter of the 2020 LRDP to address climate change (Addendum #5, July 2009); Naval Architecture Building Restoration and Addition (Addendum #4, December 2008); the Durant Hall Renovation Project (Addendum #3, March 2008); the Campbell Hall Replacement Building (Addendum #2, March 2008); and the Center for Biomedical and Health Sciences (Addendum #1, May 2007).

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A. Description of Proposed Action

The proposed amendments to the 2020 LRDP, Campus Space & Infrastructure chapter, are limited to changes in the second to last paragraph of the chapter as described in Attachment 1 to LRDP EIR Addendum #8. These changes reflect the need for improvements to the campus electrical distribution system.

The proposed Electrical Switching Station 6 is proposed to be located approximately 35 feet west of an original wing of Stern Hall, downhill and not blocking westward views from or toward Stern Hall, adjacent to a site regularly used by the campus for construction staging. Switching Station 6 will receive power from the Hill Area Substation, be interconnected with the five existing campus switching stations, have sufficient capacity to accommodate peak campus loads, provide a redundant power supply system, and provide power to the California Memorial Stadium and campus buildings Stanley Hall and Sutardja Dai Hall. Switching Station 6 will consist of a two-story building with a ground floor and subterranean basement floor, with a footprint of approximately 35 feet by 60 feet (2100 feet). The building would chiefly house electrical distribution equipment, including circuit breakers, capacitors, and batteries; a unisex bathroom is included in the building program because campus staff may work in the Switching Station sometimes at night when other facilities are locked. Under the California Building Code, the building would be classified as an F occupancy building machine room, not intended for public occupancy. On a weekly basis, one campus high voltage electrician will spend three hours in the switching station performing routine inspections. The building would not have occupancy greater than 2000 person-hours each year. Related system improvements would include connecting electrical duct banks and minor related improvements, including placement of switchgears, relays, cabling and capacitors, at three existing switching stations and the Hill Area Substation.

The 2020 LRDP includes Location Guidelines for the various campus functions housed on and around the campus. The Project conforms to the Location Guidelines, which prioritize uses by land use zone and the site for the proposed Switching Station 6 largely conforms to the Location Guidelines, which suggest that critical on-site plant operations services be located on the Campus Park, and service-intensive institutional support activities be located in the Adjacent Blocks (2020 LRDP p. 61). Switching Station 6 would be approximately 100 feet east of Gayley Road, maintaining the dominant informal, but planted character of the east street edge suggested in the LRDP (2020 LRDP p. 66).

Switching Station 6 is a 4200 gross square foot structure (2100 square feet footprint, two floors) not involving the use of significant amounts of hazardous substances proposed in a fully developed area, meeting the criteria for a new construction categorical exemption under CEQA (Class 3, Small Structures). Similarly, any trenching activities associated with the duct banks for Switching Station 6 would occur in previously developed street and roadway sites only; the need for underground conveyance of electricity via duct banks would have limited construction period

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impacts, and would be considered exempt under CEQA pursuant to a categorical exemption (Class 4, Minor Alterations to Land), because it would involve minor trenching and backfilling where the surface is restored. None of the exceptions to Class 3 and Class 4 categorical exemptions set forth in CEQA Guidelines Section 15300.2 applies to Switching Station 6.

B. Environmental Review Process

In January 2005, the University certified the 2020 LRD^P FEIR in accordance with CEQA, the CEQA Guidelines and the University of California Procedures for Implementation of CEQA, and adopted the 2020 LRD^P. Both the 2020 LRD^P and the 2020 LRD^P FEIR analyzed the scope and nature of development proposed to meet the goals of the University at the Berkeley campus through academic year 2020-2021, including projects of growth in both campus headcount and campus space during this timeframe. The 2020 LRD^P anticipated over 2.2 million net new gross square feet (gsf) of academic and support space within the entire area governed by the 2020 LRD^P, including up to 1 million on the Campus Park. The 2020 LRD^P FEIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with growth of the UC Berkeley campus under the 2020 LRD^P.

In June 2009, UC Berkeley published a proposed amendment to the 2020 LRD^P, Sustainable Campus chapter, to reflect existing campus commitments to address climate change. The 2020 LRD^P Amendment #1 reflects campus policy, including: "Design all aspects of new projects to achieve short term and long term climate change emission targets established in the campus climate action plan." UC Berkeley targets achievement of 1990 greenhouse gas emission levels by 2014, six years ahead of state-mandated targets, and climate neutrality as soon as possible but not later than 2050. The amendment links the 2020 LRD^P and the campus climate action plan, which is updated annually: see <http://sustainability.berkeley.edu/calcap/>.

Amendment #1 to the 2020 LRD^P was approved by the University in July 2009 based on Addendum #5 to the certified 2020 LRD^P FEIR. Addendum #5 was published in advance of consideration of the 2020 LRD^P Amendment, and the 2020 LRD^P Amendment was approved in July 2009 by the University, following review and consideration of comments from community members. Addendum #5 described existing climate change conditions and evaluated the potential for development under the 2020 LRD^P, with minor amendments to reflect current campus policy, to affect climate change. Addendum #5 provided a summary of the current regulatory framework applicable to climate change, discussing the applicable federal, state, regional, and local agencies that regulate, monitor, and control greenhouse gas (GHG) emissions. Addendum #5 discussed the existing global, national, and statewide conditions for GHG and global climate change and evaluated the potential impacts on global climate from the implementation of the 2020 LRD^P, as amended, to document existing UC Berkeley climate action strategies. Addendum #5 concluded that the proposed amendment to the 2020 LRD^P Sustainable Campus chapter did not trigger a need to prepare a subsequent EIR or supplement to

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the 2020 LRDP FEIR. The Project complies with University policies on sustainable practices. See <http://tinyurl.com/UCBClimate> for documents and information.

Pursuant to CEQA section 21166 and CEQA Guidelines section 15162, no additional environmental review shall be prepared for a project unless the public agency with the next discretionary approval determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*
 - (A) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - (B) *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - (C) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - (D) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant*

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effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If none of the conditions described in CEQA Guidelines Section 15162, above, requires the preparation of a subsequent EIR, the University may prepare an addendum if some changes or additions to the 2020 LRDP FEIR are necessary.

Addendum #8 was prepared in compliance with CEQA Section 21166 and CEQA Guidelines Section 15162 to examine the potential environmental impacts of approving Amendment #2 and Switching Station #6 and related improvements (sometimes collectively referred to as the Project or Proposed Action). Addendum #8 includes the text of the proposed Amendment and analyzes the impacts of its implementation. Readers should review this document in conjunction with the 2020 LRDP FEIR and Addendum #5 thereto which fully analyze all of the potential environmental impacts of the 2020 LRDP.

While CEQA Guidelines Section 15164(c) does not require that addenda be circulated for public review, the Campus circulated Addendum #8 prior to The Regents' meeting. Responses were prepared to address comments regarding the adequacy of Addendum #8 pursuant to CEQA and are hereby incorporated as part of the Final Addendum #8.

The University must consider the 2020 LRDP FEIR, including Addendum #5 (analyzing Amendment #1 to the 2020 LRDP), and Addendum #8 prior to making a decision on the proposed action.

The legal criteria for preparation of an addendum to the 2020 LRDP FEIR are met here. None of the conditions or circumstances that would require preparation of subsequent or supplemental environmental review pursuant to CEQA Section 21166 and CEQA Guidelines Section 15162 exists in connection with the LRDP Amendment or approval of Switching Station 6 (collectively, the "Project"). No substantial changes have been proposed to the project described in the 2020 LRDP FEIR that requires major revisions. There have not been any substantial changes with respect to the circumstances under which implementation of the 2020 LRDP would be undertaken that would require major revisions to the previously certified 2020 LRDP FEIR. In addition, there is no new information of substantial importance, which was not known and could not have been known at the time that the 2020 LRDP FEIR was certified showing that new or more severe environmental impacts not addressed in the 2020 LRDP FEIR would occur, that mitigation measures or alternatives found infeasible in the 2020 LRDP FEIR would in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the 2020 LRDP FEIR would substantially reduce one or more significant impacts.

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Addendum #8 analyzes and summarizes the potential impacts of the Proposed Action in relation to the environmental analysis in the 2020 LRD^P FEIR with regard to the following environmental topic areas: Aesthetics; Air Quality; Biological Resources; Cultural Resources; Geology, Seismicity and Soils; Hazardous Materials; Hydrology and Water Quality; Land Use; Noise; Population; Public Services; Transportation; and Utilities and Service Systems. It also identifies mitigation measures and continuing best practices adopted as part of the 2020 LRD^P FEIR relevant to the Project that have been incorporated into and must be implemented as part of the Project. All mitigation measures and continuing best practices in the 2020 LRD^P FEIR relevant to the Proposed Action, as well as all components of the Proposed Action described in Addendum #8, are included in the Approval and are made conditions of the Proposed Action. The Proposed Action will not result in any new impacts or increase the severity of any significant impact previously identified in the 2020 LRD^P FEIR. No revisions or specific mitigation measures applicable to the Proposed Action were identified in Addendum #8 that would further reduce the impacts of the 2020 LRD^P implementation.

C. Relation of the Proposed Action to the 2020 LRD^P FEIR

Amendment #2 revises the Campus Space and Infrastructure chapter of the 2020 LRD^P to reflect existing campus practice and policy. Key 2020 LRD^P objectives have always included “Provide the space, technology and infrastructure we require to excel in education, research, and public service” and “Plan every new project as a model of resource conservation and environmental stewardship.” The 2020 LRD^P noted “The renewal of our physical plant is crucial to our ability to recruit and retain exceptional individuals and to pursue new topics of research and new models of instruction.”

At the time of drafting the 2020 LRD^P, staff focus was on projecting anticipated utility loads due to growth. No investigations were made to check for redundancy or sufficiency in distribution capacity by area. Amendment #2 makes clear provision for improvements to the distribution system as may be required to accommodate overall 2020 LRD^P development and meet other University electrical needs, such as providing campus-wide redundancy which does not currently exist. The proposed Switching Station 6 would implement these needed improvements.

Amendment #2 updates the Campus Space and Infrastructure discussion to reflect these changes and is consistent with the 2020 LRD^P objectives.

D. Impacts of the Proposed Action

As described in greater detail below, the analysis in Addendum #8 indicates that the Proposed Action would not contribute to impacts previously identified in the 2020 LRD^P FEIR, would not result in any new significant impacts, increase the severity of significant impacts

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previously identified in the 2020 LRDP FEIR, or cause any significant environmental effects not previously examined in the 2020 LRDP FEIR. All significant impacts that might result from implementation of the 2020 LRDP, as revised by proposed Amendment #2 and implementation of Switching Station #6, have been addressed in Addendum #8, and/or the 2020 LRDP FEIR and in the 2020 LRDP FEIR Findings adopted by the University. The Proposed Action does not involve new information of substantial importance which would require mitigation measures or alternatives that are considerably different from those analyzed in the 2020 LRDP FEIR. No additional mitigation measures are feasible to substantially lessen any significant and unavoidable impacts previously identified in the 2020 LRDP FEIR.

The Proposed Action will not incrementally contribute to cumulative impacts previously identified in the 2020 LRDP FEIR associated with full 2020 LRDP implementation, nor result in any new significant cumulative impacts, increase the severity of significant cumulative impacts previously identified in the 2020 LRDP FEIR, or cause any environmental effects not previously examined in the 2020 LRDP FEIR. The 2020 LRDP FEIR examined all significant cumulative impacts to which implementation of the 2020 LRDP would contribute; these have been addressed in the 2020 LRDP FEIR and in the 2020 LRDP FEIR Findings adopted by the University.

Each of the potential impact areas relevant to the Proposed Action is discussed separately below.

1. Aesthetics

Based on the analysis in the 2020 LRDP EIR and Addendum #8, incorporated herein by reference, the University finds that the Project will not result in any new, significant aesthetic impacts that were not examined in the 2020 LRDPFEIR, that aesthetic impacts associated with implementation of the 2020 LRDP, as modified by Amendment #2, would remain as identified in the 2020 LRDP FEIR, that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

2. Air Quality

Based on the analysis in the 2020 LRDP EIR and Addendum #8,incorporated herein by reference, the University finds that the Project will not result in any new, significant air quality impacts that were not examined in the 2020 LRDP FEIR, that air quality impacts associated with implementation of the 2020 LRDP, as modified by Amendment #2, would remain as identified in the 2020 LRDP FEIR, that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

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3. Biological Resources

Based on the analysis in the 2020 LRDPEIR and Addendum #8, incorporated herein by reference, the University finds that the Project will not result in any new, significant biological resource impacts that were not examined in the 2020 LRDPEIR, that biological resource impacts associated with implementation of the 2020 LRDPEIR, as modified by Amendment #2, would remain as identified in the 2020 LRDPEIR, that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

4. Climate Change /Greenhouse Gases

Based on the analysis in the 2020 LRDPEIR and Addendum #8, incorporated herein by reference, the University finds that the Project will not result in any new, significant climate change impacts that were not examined in the 2020 LRDPEIR, as modified by Amendment #2, that no significant climate change impacts would be associated with implementation of the 2020 LRDPEIR, that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

5. Cultural Resources

Based on the analysis in the 2020 LRDPEIR and Addendum #8, incorporated herein by reference, the University finds that the Project will not result in any new, significant cultural resource impacts that were not examined in the 2020 LRDPEIR, that cultural resource impacts associated with implementation of the 2020 LRDPEIR, as modified by Amendment #2, would remain as identified in the 2020 LRDPEIR, that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

6. Geology, Seismicity and Soils

Based on the analysis in the 2020 LRDPEIR and Addendum #8, incorporated herein by reference, the University finds that the Project will not result in any new, significant geology, seismicity and soils impacts that were not examined in the 2020 LRDPEIR, that geology, seismicity and soils impacts associated with implementation of the 2020 LRDPEIR, as modified by Amendment #2, would remain as identified in the 2020 LRDPEIR, that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

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7. Hazardous Materials

Based on the analysis in the 2020 LRDPEIR and Addendum #8, incorporated herein by reference, the University finds that the Project will not result in any new, significant hazardous materials impacts that were not examined in the 2020 LRDPEIR, that hazardous materials impacts associated with implementation of the 2020 LRDPEIR, as modified by Amendment #2, would remain as identified in the 2020 LRDPEIR, that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

8. Hydrology and Water Quality

Based on the analysis in the 2020 LRDPEIR and Addendum #8, incorporated herein by reference, the University finds that the Project will not result in any new, significant hydrology and water quality impacts that were not examined in the 2020 LRDPEIR, that hydrology and water quality impacts associated with implementation of the 2020 LRDPEIR, as modified by Amendment #2, would remain as identified in the 2020 LRDPEIR, that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

9. Land Use

Based on the analysis in the 2020 LRDPEIR and Addendum #8, incorporated herein by reference, the University finds that the Project will not result in any new, significant land use impacts that were not examined in the 2020 LRDPEIR, that land use impacts associated with implementation of the 2020 LRDPEIR, as modified by Amendment #2, would remain as identified in the 2020 LRDPEIR, that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

10. Noise

Based on the analysis in the 2020 LRDPEIR and Addendum #8, incorporated herein by reference, the University finds that the Project will not result in any new, significant noise impacts that were not examined in the 2020 LRDPEIR, that noise impacts associated with implementation of the 2020 LRDPEIR, as modified by Amendment #2, would remain as identified in the 2020 LRDPEIR, that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

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11. Population and Housing

Based on the analysis in the 2020 LRDPEIR and Addendum #8, incorporated herein by reference, the University finds that the Project will not result in any new, significant population and housing impacts that were not examined in the 2020 LRDPEIR, that population and housing impacts associated with implementation of the 2020 LRDPEIR, as modified by Amendment #2, would remain as identified in the 2020 LRDPEIR, that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

12. Public Services

Based on the analysis in the 2020 LRDPEIR and Addendum #8, incorporated herein by reference, the University finds that the Project will not result in any new, significant public services impacts that were not examined in the 2020 LRDPEIR, that public services impacts associated with implementation of the 2020 LRDPEIR as modified by Amendment #2 would remain as identified in the 2020 LRDPEIR, that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

13. Transportation

Based on the analysis in the 2020 LRDPEIR and Addendum #8, incorporated herein by reference, the University finds that the Project will not result in any new, significant transportation impacts that were not examined in the 2020 LRDPEIR, that transportation impacts associated with implementation of the 2020 LRDPEIR, as modified by Amendment #2, would remain as identified in the 2020 LRDPEIR, that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

14. Utilities and Service Systems

Based on the analysis in the 2020 LRDPEIR and Addendum #8, incorporated herein by reference, the University finds that the Project will not result in any new, significant utilities and service systems impacts that were not examined in the 2020 LRDPEIR, that utilities and service systems impacts associated with implementation of the 2020 LRDPEIR, as modified by Amendment #2, would remain as identified in the 2020 LRDPEIR, that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

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15. Cumulative Impacts

The University finds that the Proposed Action does not require new findings of significant impact, nor does it contribute to new significant regional or area wide cumulative impacts due to the implementation of the 2020 LRD, as updated by the proposed Amendment, as addressed in Addendum #8, incorporated herein by reference. The University finds that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

E. Categorical Exemption Determinations

1. Categorical Exemption: CEQA Guidelines Section 15303 (Small Structure)

The University further finds that Switching Station 6 is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303 (Class 3) which provides that the “construction and location of limited numbers of new, small facilities or structures” and “installation of small new equipment and facilities into small structures” are categorically exempt. CEQA Guidelines Section 15303 provides a non-exclusive list of activities that meet the Class 3 exemption criteria including, but not limited to: (c), “in urbanized areas... up to four such commercial buildings not exceeding 10,000 square feet in floor area...” and (d) “electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction”. Because Switching Station #6 involves the construction of a building which is only 4,200 square feet in size, and will include electrical extensions of reasonable length, the University hereby finds that Switching Station 6 satisfies the criteria set forth under CEQA Guidelines Section 15303.

The University further finds that none of the exceptions identified under CEQA Guidelines Section 15300.2 apply. Switching Station #6 is not located in a “particularly sensitive environment” as it is located in an area often used by the Berkeley campus for construction staging and would not “impact an environmental resource of hazardous or critical concern” given its location. CEQA Guidelines Section 15300.2(a). Switching Station #6, which is uniquely designed for its site and has no significant environmental impacts itself, would not create “cumulative impacts from successive projects of the same type in the same place.” CEQA Guidelines Section 15300.2(b). There is no “reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” CEQA Guidelines Section 15300.2(c). No designated scenic highway is in the immediate vicinity of the Project site (2020 LRD EIR Vol 1 p. 4.1-16); furthermore, Switching Station #6 is designed to be inconspicuous and includes landscaping such that it is compatible with its surroundings and would not therefore “result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic

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highway.” CEQA Guidelines Section 15300.2(d). Switching Station #6 is not “located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.” CEQA Guidelines Section 15300.2(e). Finally, as further described in Addendum #8, Switching Station #6 would not “cause a substantial adverse change in the significance of a historical resource.” CEQA Guidelines Section 15300.2(f). Accordingly, The University hereby finds that substantial evidence supports its determinations that none of the exceptions set forth by CEQA Guidelines Section 15300.2 applies.

2. Categorical Exemption: CEQA Guidelines Section 15304 (Minor Alterations)

The University further finds that the duct banks associated with Switching Station 6 are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15304 which provides that “minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes” are categorically exempt. CEQA Guidelines Section 15304(f) identifies “minor trenching and backfilling where the surface is restored” as an example. Because Switching Station #6 involves “minor trenching and backfilling where the surface is restored,” and will not involve the removal of healthy, mature, scenic trees, the University hereby finds that the duct banks satisfy the criteria set forth under CEQA Guidelines Section 15304 and are therefore categorically exempt.

As set forth above in Section II.E.1, the University finds that none of the exceptions identified under CEQA Guidelines Section 15300.2 apply. Switching Station #6 is not located in a “particularly sensitive environment” as all work will occur within existing streets and rights of way and would not “impact an environmental resource of hazardous or critical concern” given its location. CEQA Guidelines Section 15300.2(a). Switching Station #6, which is uniquely designed for its site and has no significant environmental impacts itself, would not create “cumulative impacts from successive projects of the same type in the same place.” CEQA Guidelines Section 15300.2(b). There is no “reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” CEQA Guidelines Section 15300.2(c). No designated scenic highway is in the immediate vicinity of the proposed site (2020 LRDP EIR Vol 1 p. 4.1-16); furthermore, Switching Station #6, designed to be inconspicuous and includes landscaping such that it is compatible with its surroundings would not “result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.” CEQA Guidelines Section 15300.2(d). Switching Station #6 is not “located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.” CEQA Guidelines Section 15300.2(e). Finally, as further described in Addendum #8, Switching Station #6 would not “cause a substantial adverse change in the significance of a historical resource.” CEQA Guidelines Section 15300.2(f). Accordingly, The University hereby finds that

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substantial evidence supports its determinations that none of the exceptions set forth by CEQA Guidelines Section 15300.2 applies.

F. Additional Findings

1. Adequacy of Prior Environmental Reviews

All of the environmental effects of implementation of the 2020 LRD^P and Amendment #1 thereto, as reflected in the Findings adopted by the University in January 2005 and July 2009 respectively, were adequately addressed in the certified 2020 LRD^P FEIR and Addendum #5 thereto in that those impacts: (1) have been mitigated or avoided, (2) have been examined at a sufficient level of detail to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the 2020 LRD^P, or (3) cannot be mitigated to avoid or substantially lessen the significant impacts despite the University's willingness to accept all feasible mitigation measures, and the only purpose of including analysis of such effects in another environmental impact report would be to put the agency in a position to adopt a statement of overriding considerations with respect to the effects.

The Proposed Action includes an Amendment to the 2020 LRD^P, and the LRD^P Amendment #2 and proposed Switching Station #6 are in every way consistent with the original intent and goals of the 2020 LRD^P. The Proposed Action meets the criteria for tiering defined in CEQA Guidelines Section 15152(e). These Findings summarize, rely upon and incorporate the 2020 LRD^P Findings and the Findings adopted in support of Amendment #1 to the 2020 LRD^P, to address cumulative impacts, consistent with Guidelines Section 15130(d).

The Proposed Action is within the scope of the 2020 LRD^P, as modified by Amendment #1 to address climate change, analyzed by the 2020 LRD^P FEIR and Addendum #5, and does not implicate any of the conditions set forth in CEQA Section 21166 or CEQA Guidelines Section 15162 requiring the preparation of a subsequent or supplemental EIR to the 2020 LRD^P FEIR. No new significant environmental impacts have been identified in connection with the Proposed Action that were not considered in the 2020 LRD^P FEIR. As a result, no new environmental impacts are anticipated to occur and no new mitigation measures will be required other than as addressed in the 2020 LRD^P FEIR. The potential environmental effects of the implementation of the 2020 LRD^P (including any contribution of the Proposed Action to significant/mitigated and significant/ unavoidable impacts) have been fully addressed by the 2020 LRD^P FEIR, the 2020 LRD^P Findings and related Findings for Addendum #5. In accordance with CEQA Guidelines Section 15168(c), the University hereby finds that none of the circumstances described in Section 15162(a) of the CEQA Guidelines is present, and no further environmental review or documentation is required for the Project.

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The Proposed Action does not otherwise provide an opportunity to eliminate or substantially reduce any of the significant and unavoidable adverse impacts of implementing the 2020 LRDP identified in the 2020 LRDP FEIR.

2. Criteria for an Addendum

Addendum #8 to the 2020 LRDP FEIR concludes that none of the conditions or circumstances that would require preparation of a subsequent or supplemental EIR pursuant to CEQA Section 21166 exists in connection with the Proposed Action. No substantial changes have been proposed to the 2020 LRDP described in the 2020 LRDP FEIR that require major revisions to the 2020 LRDP FEIR. The 2020 LRDP described in the 2020 LRDP FEIR includes development of up to 2.2 million net new gsf, plus associated parking. The 2020 LRDP FEIR analyzes the environmental impacts that could result from 2.2 million net new gsf. The Proposed Action updates the Campus Space and Infrastructure chapter of the 2020 LRDP and does not alter the projections of development anticipated under the 2020 LRDP.

Addendum #8 also indicates that there have not been any substantial changes with respect to the circumstances under which implementation of 2020 LRDP would occur that would require major revisions to the 2020 LRDP FEIR.

Addendum #8 also concludes that no new information of substantial importance, which was not known and could not have been known at the time that the 2020 LRDP FEIR was certified as complete, shows that the Project would cause or substantially worsen environmental impacts discussed in the 2020 LRDP FEIR, that mitigation measures or alternatives found infeasible in the 2020 LRDP FEIR would in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the 2020 LRDP FEIR would substantially reduce one or more significant environmental impacts found in the 2020 LRDP FEIR.

For the reasons described above, the University hereby finds that preparation of Addendum #8 to the 2020 LRDP FEIR, as supplemented and augmented by Addendum #5, to analyze the environmental consequences of implementing the Proposed Action is appropriate under CEQA. In accordance with CEQA, the University hereby finds that none of the circumstances described in Section 15162(a) of the CEQA Guidelines is present, and no further environmental review or documentation is required for the Project.

3. Incorporation by Reference

These Findings incorporate by reference in their entirety the text of Addendum #8 prepared for the Project, the 2020 LRDP FEIR and Addendum #5 thereto, and the Findings adopted in support of the 2020 LRDP and Amendment #1 previously certified and/or adopted by the University. Without limitation, this incorporation is intended to elaborate on the scope and

ATTACHMENT 5

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nature of the Proposed Action, its potential environmental impacts and the basis for determining the significance of the Proposed Action's impacts.

4. Mitigation Monitoring

CEQA requires the Lead Agency approving a project to adopt a monitoring program for changes to the project that it adopts or makes a condition of project approval, including mitigation measures intended to eliminate or reduce potentially significant impacts of the project, in order to ensure compliance during project implementation. No new mitigation measures are required as part of the Proposed Action, which incorporates relevant and previously adopted 2020 LRDP FEIR mitigation measures and/or continuing best practices that will be monitored pursuant to the existing 2020 LRDP FEIR monitoring programs previously adopted by the University in connection with its approvals of the 2020 LRDP, as amended.

5. Record of Proceedings

Various documents and other materials constitute the record of proceedings upon which the University bases its findings and decision contained herein. Because of the complexity of the issues addressed in connection with the review of the Project, these documents and materials are located in various offices of the Berkeley campus, the Office of Capital Projects, and/or offices of consultants retained by the University to assist with the development and analysis of the Project. The custodian for these documents and materials is the Berkeley campus Office of Capital Projects, located at 300 A & E Building, Berkeley, California, 94720-1382.

G. Summary

Based on the foregoing Findings and the information contained in the administrative record, the University has made one or more of the following Findings with respect to the significant environmental effects of the Proposed Action:

1. The Proposed Action will not increase the severity of significant environmental impacts previously identified in the 2020 LRDP FEIR.

2. All 2020 LRDP FEIR mitigation measures relevant to the Proposed Action, as identified in Addendum #8, as well as all components of the Proposed Action described in Addendum #8, are made a condition of approval.

3. All significant effects on the environment due to the implementation of the 2020 LRDP, as modified by Amendment #1 and Amendment #2, including implementation of Electrical Switching Station #6, have been eliminated or substantially lessened where feasible through 2020 LRDP FEIR mitigation measures and continuing best practices adopted in connection with the University's approval of the 2020 LRDP FEIR. Some of those mitigation

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measures are within the responsibility and jurisdiction of another public agency that has adopted, or can and should adopt such changes, and the University lacks concurrent jurisdiction to adopt or implement such mitigation measures.

4. The Proposed Action will not result in environmental effects that were not adequately examined in the 2020 LRD^P FEIR.

5. All remaining significant effects on the environment caused by implementation of the 2020 LRD^P, as modified by Amendment #2 and including implementation of Electrical Switching Station #6, found to be unavoidable, remain acceptable due to the reasons set forth in the 2020 LRD^P Findings adopted by the University in connection with its approval of the 2020 LRD^P FEIR, as referenced and reaffirmed herein.

III. APPROVALS

The University hereby takes the following actions:

A. The University has reviewed and considered the 2020 LRD^P FEIR as supplemented and augmented by Addendum #5, and Addendum #8, along with all comments received and responses thereto, for the Proposed Action as described in Section I, above.

B. The University reaffirms the Findings and Statement of Overriding Considerations adopted for the 2020 LRD^P in January 2005.

C. The University hereby approves and makes a condition of the Proposed Action all elements of the Proposed Action and relevant 2020 LRD^P FEIR mitigation measures and continuing best practices identified in Addendum #8.

D. The University hereby adopts these Findings in their entirety as set forth in Section II, above.

E. Having independently reviewed and considered the 2020 LRD^P FEIR as supplemented and augmented by Addendum #5, Addendum #8, comments received and responses prepared regarding Addendum #8, conditioned the Proposed Action as described above, and adopted the Findings, the University hereby approves Amendment #2 to the 2020 LRD^P, Campus Space and Infrastructure Chapter, and the design of the Electrical Switching Station #6.